

LEWIS AND CLARK COUNTY
CONSOLIDATED OFFICE OF TREASURER/CLERK & RECORDER

DELINQUENT TAX PROCESS

Delinquent tax list(s) may not be used for unsolicited mass mailings, house calls, distributions, or telephone calls. A person violating the provisions of MCA 2-6-109(1) (b) is guilty of a misdemeanor.

The booklet is a brief outline of the statutes to assignments of tax sale certificates and tax deeds only. It does not contain legal advice nor does Lewis and Clark County provide legal advice to anyone regarding tax lien sales. Ultimately, it is the purchasers or assignees of tax lien sale certificates responsibility to comply with Montana state laws and/or retain legal counsel.

Property Tax Specialist
(406) 447-8329

Supervisor
Delinquent Tax Collector
(406) 447-8362

City-County Building
316 N Park Ave., Rm 147
Helena, MT 59623

****Please note: Lewis and Clark County Treasurer's office does not conduct tax sale assignment business during the tax season months of May of November; it will resume when the processing of current postmarked mail is complete.**

DELINQUENT TAX PROCESS

REAL PROPERTY DELINQUENT TAXES

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FREQUENTLY ASKED QUESTIONS.

When and where is the Delinquent Tax Lien sale? When and where is the notice published?

The sale is held the second Thursday of July in the Treasurer's Property Tax Department office.

It opens at 9:00 a.m. and closes at 9:00 a.m. the following day. The notice is published once a week for three consecutive weeks in the local newspaper, The Independent Record.

How do I obtain a list of properties that have delinquent taxes?

The previous years' delinquent tax lists are available for purchase from our office upon request.

Those properties already have a Tax Sale Certificate and may be purchased at any time.

The most current delinquent tax list is not available until three weeks prior to the tax lien sale.

How and when do I register for the Tax Lien sale? What is the bidding process?

There is no registration. Sale starts promptly at 9:00 a.m. There is no bidding process. Sales will be conducted by order of property ID number. If more than one party is interested in the same property then a draw cards will be done to determine purchaser.

What is required to purchase a tax lien? Are there any additional expenses other than the payment of all delinquent taxes?

Proof of notice and certified mailing must be provided. There is a \$25.00 assignment fee to purchase the tax lien.

What happens to the Liens that are not sold at the Tax Lien sale?

The County holds the lien on the delinquent property. At any time after the Tax Lien Sale Certificate has been issued the public may purchase an assignment on the property. This is done at the Treasurer's Property Tax office.

Can Investors participate in the Tax Lien sale without being present?

Investors may participate without being present, however all documents must be mailed and received in our office prior to sale. We do not accept documents via email or fax. Payments may be made over the phone.

There is a 1.995% plus \$1.25 fee for credit and debit cards or a \$2.00 fee for electronic checks.

What is the Tax Deed process and will the County handle the process for a fee?

It is the Assignee's responsibility to proceed with the legal process. It is required by law to have a **Title Guarantee** done by a licensed Title Company. The County does not provide any legal counsel. The County provides this booklet **as a guide only**. We strongly suggest that you read the Montana Code Annotated, Title 15.

What is the interest rate earned on redeemed tax liens?

The interest rate is .0274% per day, 10% per year.

***** ALL DOCUMENTS PROVIDED TO OUR OFFICE FOR THE DELINQUENT TAX LIEN PROCESS MUST MEET MONTANA CODE ANNOTATED AND MONTANA ADMINISTRATIVE RULE OR THEY WILL NOT BE ACCEPTED BY OUR OFFICE.*****

ASSIGNMENT PROCESS

An Assignment on Real Property is a lien on the property. This lien is offered for sale at a Tax Lien Sale in July following the year for which the taxes are owed. If no one purchases the lien at the Tax Lien Sale, the County is considered the purchaser. The purchaser of the lien, whether it is the County or some third party, may then assign the lien to another person via the Assignment Process. The owner of the property or party of record may redeem the property at any time during the Redemption Period. If the property has not been redeemed, a Tax Deed is issued to the assignee of the lien.

NOTICE OF PENDING ASSIGNMENT

A Notice of Pending Assignment must be sent to the current owner of the desired property.

1. The form of the notice must comply with Montana Administrative Rule (42-19-1302). The notice must have been mailed by certified mail at least 2 weeks prior but no more than 60 days prior to the date of the payment. The person making the payment shall provide a copy of the Notice and the certified mailing.
2. The owner has 2 weeks from the date of Notice to pay all outstanding taxes and costs, which voids the Notice of Pending Assignment.
3. If after the 2-week period and the taxes are still outstanding the Assignee may purchase the lax lien by providing a copy of the Notice of Pending Assignment with the postal certified receipt. If the Assignee wants to be reimbursed for any out of pocket costs, they must enclose a copy of a Certification of Costs form with their receipts at the time said costs are incurred.
4. The Assignee must pay all delinquent taxes and a \$25.00 Assignment Fee to the County Treasurer.
5. The Assignee receives a Tax Lien Sale Certificate and Assignment document for each delinquent year taxes paid under assignment.
6. The property owner of record receives a Tax Lien Sale Certificate for each year under assignment and a Notice of Assignment.

TAX LIEN SALE

The Tax Lien Sale takes place on the second Thursday of every July at the County Treasurer's Office at 316 North Park Room 147, Helena, MT. The tax lien sale starts at 9:00 AM one day and closes at 9:00 AM the next day. The purchaser must know the current owner's name before starting the assignment process. There are several ways to search out this information.

- Look up the current owner on the State of MT web site, www.cadastral.mt.gov.
- You may look up tax information on our website: www.lccountymt.gov under the COMMUNITY tab, Tax information, you can search under GEO Code, property ID number, owner's last name, or property address.

Tax lien sale dates:

TAX YEAR	DATE
2013	July 10, 2014
2014	July 9, 2015
2015	July 11, 2016
2016	July 14, 2017

REDEMPTION PERIOD

The Redemption period is within 36 months (for property with improvements) or 24 months (property without improvements) from the first date of the first day of the tax lien sale or within 60 days of the Notice of Pending Tax Deed. Parties of record can redeem the property anytime during the Redemption period by paying all costs, taxes and interest. At that time:

1. A receipt goes to the payee of the redemption, a cover sheet and Certificate of Redemption goes to the Assignee, which indicates that all costs have been paid and the property has been redeemed.
2. The Assignee must return to the Treasurer's Office the original copies of the Tax Lien Sale Certificate, Assignment documents, Certificate of Redemption forms, and cover sheet before a refund of all monies paid will be issued.

NOTICE OF PENDING TAX DEED ISSUANCE

After the property has been under assignment for three years from the date of the oldest tax lien sale, the Assignee may start the tax deed process.

1. A Notice of Pending Tax Deed must be sent to all parties and occupant by certified mail with signature requested.
2. The Assignee must do a property title guarantee to determine who has an interest in the property. A title company shall be hired to do this.
3. Submit a the Certificate of Costs to the County Treasurer / Property Tax for reimbursement of any out of pocket expenses.
4. If any of the certified letters are returned to the Assignee, there must be an ad placed in the local newspaper, running once a week for two (2) weeks.
5. The owner has 60-days, from the date of the letter to respond to the Notice of Pending Tax Deed.

PROOF OF NOTICE

1. Proof of Notice has to be filed with the Clerk and Recorder within 30-days of the date of the Notice of Pending Tax Deed issuance letter, or 30-days of the first publication.
2. A copy of each Notice of Pending Tax Deed sent and the certified mail receipt with signature requested, or the undeliverable mail receipt must be attached to the Proof of Notice.
3. If an ad was placed in the local paper, a copy of the ad also needs to be attached to the Proof of Notice.
4. Attach a new Certificate of Costs to the County Treasurer's Property Tax office for reimbursement of any out of pocket expenses.

If at the end of the 60-day period there has been no redemption of delinquent taxes, the Assignee can submit an Application for Tax Deed to the County Treasurer / Property Tax.

Failure to provide proof will result in a Notice of Obligation from the County. The Purchaser then has 120 days to comply or the tax lien will be cancelled. No monies will be refunded from cancellation of tax lien.

APPLICATION FOR TAX DEED

1. Upon receiving an Application for Tax Deed with the required \$25.00 fee, the County Treasurer will issue the Tax Deed.
2. A copy of the Title Guarantee must be attached to the application.
3. The Clerk and Recorder will record for you, the tax deed with a Realty Transfer Certificate into the County Records for a fee. Recording costs are \$7.00 per page for conforming documents and \$7.00 plus \$10.00 for non-conforming. Please contact the Clerk and Recorder's office with questions in regards to these fees.

HELP

Lewis & Clark County Treasurer's Property Tax Office (406) 447-8329 or (406) 447-8362.

Lewis & Clark County Clerk and Recorder's Office (406) 447-8337

Lewis & Clark County Web Site – www.lccountymt.gov

Montana State web site at www.mt.gov Access the Montana state statues under government, Montana Code Annotated, Title 15 - Taxation, Chapters 15, 16, 17 & 18 for reference to the laws on the delinquent tax process, and <http://mtrules.org> Montana Administrative Rule.

NOTICE OF PENDING ASSIGNMENT

(Pursuant to 15-17-212 and 15-17-323, MCA)

THIS NOTICE IS VERY IMPORTANT with regard to the purchase of the Tax Sale Certificate, which Lewis & Clark County holds on the following property. If the delinquent taxes are not paid **IN FULL** within **2 WEEKS** from the date of this notice, an assignment of Tax Sale Certificate will be purchased. **THIS COULD RESULT IN THE LOSS OF YOUR PROPERTY LISTED BELOW.**

Please direct any questions to:
Lewis & Clark County Treasurer
316 N Park Ave; Room 147
Helena, MT. 59623

Telephone: (406) 447-8329 or (406) 447-8362.

PLEASE FILL IN THE FOLLOWING INFORMATION:

OWNER OF RECORD:

MAILING ADDRESS OF OWNER OF RECORD:

LEGAL DESCRIPTION:

PARCEL NUMBER:

GEO CODE:

DATE OF NOTICE:

Signature of Interested Assignee

NOTICE OF PENDING TAX DEED ISSUANCE
(15-18-215, MCA)

Geo Code#

To:

And to all persons owning, occupying and claiming an interest, whether legal or equitable in the property described in the notice:

Pursuant to section 15-18-212, MCA, **NOTICE IS HEREBY GIVEN:**

1. As a result of a property tax delinquency, a property tax lien exists on the following described real property in which you may have an interest: .
2. The property taxes became delinquent on .
3. The property tax lien was attached as the result of a tax lien sale held on .
4. The property tax lien was purchased at a tax lien sale on . by Lewis and Clark County, 316 N Park Ave, Room 113, Helena, MT 59623.
5. The lien was subsequently assigned to
6. The amount of taxes due, including penalties, interest and costs, as of the date the assignment was taken and any subsequent years paid.
 - i. TAXES \$
 - ii. PENALTIES \$
 - iii. INTEREST \$
 - iv. COSTS \$
7. For the property tax lien to be liquidated, the total amount listed above, plus additional interest computed at a rate of .0274 % per day times the number of days since the assignment was taken out 15-18-112, MCA, must be paid by , which is the date that the redemption period expires or expired. (You may be responsible for any additional costs incurred.)
8. If all taxes, penalties, interest, and costs are not paid to the County Treasurer on or prior to , which is the date the redemption period expires, or on or prior to the date on which the County Treasurer will otherwise issue a tax deed, a tax deed may be issued to the purchaser on the day following the date that the redemption period expires or on the date the County Treasurer will otherwise issue a tax deed.
9. The business address and telephone number of the County Treasurer who is responsible for issuing the tax deed is: Lewis and Clark County Treasurer, 316 N Park Ave, Room 113, Helena, MT 59623. Telephone Number: (406) 447-8329 or 447-8362.

If this notice is published, it meets the legal requirements for Notice of a Pending Tax Deed Issuance. The address of the party is unknown. The party's rights in the property may be in jeopardy.

Dated at Helena, Montana this day of, , .
The name and address of the purchaser of tax lien:

AFFIDAVIT OF:

(Name)

STATE OF MONTANA)

County of Lewis and Clark)

:

(Name) being first duly sworn upon his oath, deposes and says:

1. My name is _____
(Name)
2. I have knowledge of Mont. Code Ann. § 15-17-212 (3) (2005) and Mont. Code Ann. § 15-17-323 (5) (2005), which require me to send a two (2) week letter to the owner of record by certified mail.
3. The address of the owner(s) of record, (Print Names)
_____, has been listed as unknown.
4. The U.S. Postal Service will not send certified mail to an unknown address.
5. I have searched the public records in the following offices:

6. I have been unable to locate a current mailing address for the owner of record.
7. The Geo Code number for this property is #_____.

Further, Affiant sayeth not.

DATED this _____ day of _____, _____.

Signature of Affiant

Subscribed and sworn to before me this _____ day of _____, _____.

(SEAL)

Printed Name

Notary Public for the State of Montana

Residing at: _____

My Commission expires: _____

PROOF OF NOTICE

I, _____, acting as or on behalf of the owner of the property tax lien, have complied with the notice requirements of Title 15, Chapter 18, MCA as follows:

1. A "Notice of Issuance of Tax Deed" was mailed to the owners, current occupant, and parties, required by 15-18-212, MCA. A copy of each notice is attached, or is on file in the office of the county clerk.
2. The notices were mailed by certified mail, return receipt requested. Copies of the return receipts are attached and are on file in the office of the county clerk
3. Notice was given to parties with unknown addresses by publishing in the official newspaper of the county, which is _____ on, _____ and _____. Proof of publication is attached.

Date: _____

SIGNATURE: _____

On this _____ day of _____ in the year of _____

Before me the undersigned, personally appeared _____

Known to me (or proved to me on the oath of _____)

to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she or they) executed the same.

NOTARY PUBLIC FOR THE STATE OF MONTANA

Notary Signature

Notary Printed Name

Residing at _____

My Commission Expires _____

APPLICATION FOR TAX DEED

NAME:

ASSIGNMENT #:

OLDEST DELINQUENT TAX YEAR:

DATE ASSIGNMENT TAKEN:

DATE OF 1ST TAX LIEN SALE:

GEO CODE:

OR PIN #:

FULL LEGAL DESCRIPTION:

I am the holder of the Tax Lien Sale Certificate referred to above, and I hereby apply to the Lewis & Clark County Treasurer for a Tax Deed to the above-described property. I have given notice and have filed the proof of that notice within 30-days of the mailing or publishing of the notice as required by section 15-18-212, MCA. I have attached a copy of the notice with the filing date thereon or the required information is on file in the Clerk and Recorder's office. This information was filed or recorded on (Date) _____ and can be found in Book _____ Page _____ or under notices, publications, tax deeds (MISC#).

SIGNATURE: _____

On this _____ day of _____ in the year of _____,
Before me the undersigned, personally appeared _____
Known to me (or proved to me on the oath of _____
to be the person whose name is subscribed to the within instrument, and acknowledged to me
that he (she or they) executed the same.

NOTARY PUBLIC FOR THE STATE OF MONTANA

Signature

Printed name

Residing at _____

My Commission Expires _____

****Copy of Title Guarantee must be Attached to application****

CERTIFICATON OF COSTS

MCA 15-17-121 (2) (a) (b) (5)

Incurred By Purchaser of a Property Tax Lien

GEO CODE #: _____ PARCEL # _____

LEGAL DESCRIPTION: _____

Assessed Owner: _____

Received Costs:	Amount:
1. _____	_____
2. _____	_____
3. _____	_____
Total	_____

I, the undersigned, hereby certify that the above-described receipted costs were incurred by me as the purchaser and assignee of a property tax lien on the above-described property.

Signature of Assignee:

Printed Name of Assignee:

In order to insure the proper amount is charged at the time of redemption, you need to furnish the costs at the time they are incurred. If you provide receipts, this does not need to be notarized.

State of Montana
County of _____

Signed and sworn to (or affirmed) before me on _____ by _____.

(Signature of Notary)

[Montana notaries must complete the following if not part of stamp at left]

(Printed name of notary public)
Notary for the state of _____
Residing at: _____
My commission expires: _____

ACKNOWLEDGEMENT OF LOST PAPERWORK

I (We) have been unable to locate the original Tax Lien Sale Certificate(s), Certificate of Assignment, and/or the Certificate of Redemption forms for:

GEO CODE # _____

PARCEL # _____

TAX SALE CERTIFICATE # _____

ASSIGNMENT TAKEN ON _____

LEGAL DESCRIPTION _____

Signature of Assignee _____ Date _____

State of _____

County of _____

Signed or acknowledged before me on this _____ day of _____, 20_____

by _____
(Name of person signing)

(Notary Signature)

[Affix seal/stamp to the left or below]